

JUDGE MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE L. GALINDO-ZURITA, et. al.,
Defendants.

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NO. CR06-149RSM
ORDER CONTINUING
PRETRIAL MOTIONS DEADLINE
AND TRIAL DATE

On behalf of all parties, the United States filed an Unopposed Motion for Order continuing the pretrial motions due date and the trial date, currently set for July 13 and August 28, 2006, respectively.

This Court's decision is based on the facts stated in the Unopposed Motion and apparent from the record, including the following specific findings:

1. This case is complex and involves two related indictments and nineteen charged conspirators. It stems from a long-term investigation involving multiple agencies, and included the simultaneous execution of over thirty search warrants in two states on the date of arrest. The charges carry the potential for mandatory 10-year, 20-year, or even mandatory life sentences for some defendants, depending on criminal history.

2. This case involves a large volume of discovery that counsel must review prior to trial. Among this discovery is several thousand conversations intercepted over three Court-authorized Title III wire intercepts (wiretaps). Many of these calls are not in English, and

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1 must be translated into English for counsel and the Court. The translation effort has been
 2 complicated by the fact that some calls are in an indigenous language of Southern Mexico,
 3 *Mixteco Bajo*, for which English-speaking translators are very difficult to find. The
 4 transcription/translation process in this case is expected to take several months. A
 5 continuance of the motions and trial dates will ensure that counsel has sufficient time to
 6 review these telephone calls prior to trial.

7 3. Defendants' counsel need additional time to prepare for motions, plea
 8 negotiations, and trial, in order to provide defendants with adequate, effective, and continued
 9 representation. Counsel assert that proceeding with the current motions and trial dates would
 10 result in a miscarriage of justice. Counsel agree that an approximate three-month
 11 continuance is appropriate and necessary in light of the factors listed above.

12 4. Defendants' counsel anticipate that each of their clients will issue a written
 13 knowing, voluntary, and intelligent waiver of his/her right to a speedy trial through
 14 November, 2006.

15 5. In light of the interest of the public in ensuring the accused adequate, effective,
 16 and continued representation by counsel presently assigned, this Court finds that the ends of
 17 justice served by granting a continuance outweigh the best interest of the public and
 18 defendants in a speedy trial. This Court further concludes that the above findings and bases
 19 for continuing the trial comport with 18 U.S.C. § 3161(h) and the United States Supreme
 20 Court's recent decision in Zedner v. United States, 126 S. Ct. 1976 (2006).

21 Accordingly, for the reasons listed above and those apparent from the record, the
 22 Unopposed Motion for Continuance is HEREBY GRANTED.

23 Trial is reset for November 13, 2006 at 9:00 a.m.

24 Pretrial Motions are due on September 7, 2006.

25 The Court further finds that time from the filing of the stipulated motion through the
 26 new trial date shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A),
 27 3161(h)(8)(B)(i), and 3161(h)(8)(B)(ii) because the failure to grant the requested continuance
 28 would be likely to result in a miscarriage of justice, and because the case is so complex due

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1 to the number of defendants, the nature of the prosecution, and the existence of novel
 2 questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial
 3 proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

4 Dated this 18 day of July, 2006.

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 6 RICARDO S. MARTINEZ
 7 UNITED STATES DISTRICT JUDGE

Presented by:

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14 Approved on July 10-11, 2006 by:

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 for Jose L. Galindo-Zurita

17 s/
 18 MICHAEL C. MARTIN
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19 s/
 20 HOWARD PHILLIPS
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21 s/
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23 s/
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25 s/
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29 s/
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